



THE CITY OF SAN DIEGO **MANAGER'S REPORT**

DATE ISSUED: April 2, 2003

REPORT NO 03-062

ATTENTION: Natural Resources & Culture Committee
Agenda of April 9, 2003

SUBJECT: Commercial Refuse Collection Hours of Operations

SUMMARY

Issue – Should San Diego Municipal Code sections 59.5.0406 and 85.01 be amended to allow extended hours of commercial refuse collection (3:00 a.m. to 8:00 p.m.) in mixed-use areas containing residential areas?

Manager's Recommendations –

1. Do not amend San Diego Municipal Code sections 59.5.0406 and 85.01 to extend the hours of refuse collection in residential areas at this time.
2. Direct the City Manager to convene a task force of stakeholders and City staff to review the issues and problems experienced by the commercial waste haulers and return to the Natural Resources & Culture Committee in approximately 90 days with interim recommendations which could be implemented through the Noise Administrator's variance authority.
3. Add the San Diego County Disposal Association to the groups participating in the Mixed Use Advisory Committee to the Land Use and Housing Committee.
4. Defer final resolution of the matter until the Mixed Use Advisory Committee's final recommendations are reviewed by the Land Use and Housing Committee.

Other Recommendations – The San Diego County Disposal Association recommends amending the San Diego Municipal Code to allow extended hours of commercial refuse collection in residential areas.

Fiscal Impact – None

BACKGROUND

The San Diego County Disposal Association (SDCDA), which represents the major commercial refuse collection companies operating in San Diego County, has requested a change to the San Diego Municipal Code to allow longer hours of commercial collection in mixed-use areas containing residential areas.

Currently noise related to refuse collection activities is regulated by Municipal Code section 59.9.0406, which limits refuse collection in residential areas to the hours of 7:00 a.m. to 7:00 p.m. The code section, which was enacted in 1973, does not place time restrictions on refuse collection in commercial or industrial areas. The regulation works well in areas where there are distinct single land uses such as a business park, industrial area, regional shopping center, etc. However, it creates problems for refuse collection companies that provide refuse collection services in mixed-use areas containing commercial, office, entertainment and residential areas. This is of special concern in the Gaslamp Quarter Planned District (Gaslamp Quarter) with its high density of development and intensity of use. Because of the historic character of many of the buildings, refuse storage areas are limited and food service establishments need multiple refuse collection services each week or, in many cases, need daily refuse collection services.

The issue is made more difficult because refuse collection trucks are prohibited from operating in the Central Traffic District, which includes portions of the Gaslamp Quarter, between the hours of 10:00 a.m. and 6:00 p.m. This prohibition, when combined with section 59.5.0409, essentially limits refuse collection activities to 7:00 a.m. to 10:00 a.m. in downtown mixed use areas with residences.

Commercial haulers operate in the City of San Diego under the terms of a franchise granted by the City Council. The original franchise agreements, which specifies general operating conditions and methods that must be used by the franchised collectors, requires that "All Solid Waste Collection operations shall be conducted as quietly as possible and shall conform to applicable Federal, State, County and City noise level regulations." The new Class I franchise agreements and proposed Class II agreements are more specific in that they contain the additional provision that "Solid waste collection operations shall not be conducted in or adjacent to residential areas prior to 7:00 a.m. or after 7:00 p.m."

DISCUSSION

On November 13, 2002, the Land Use and Housing Committee requested the City Manager to review a proposal from the San Diego Hospitality Resource Panel (HRP) to develop strategies, including ordinance or policy recommendations, to reduce conflicts (noise and other issues) being encountered in mixed use area such as the Gaslamp Quarter. The issue of enhanced trash collection requirements in mixed use areas and the need to schedule trash collection services to reduce noise conflicts was included in the HRP proposal.

On March 19, 2003, the Land Use and Housing Committee approved the recommendations in a report by the Development Services Director regarding the Mixed Use Ordinance Work Program for FY 2004 and named a working group, consisting of 24 public and private organizations assisting the project, the Mixed Use Advisory Group. The working group and staff will provide a progress report to the Land Use and Housing Committee in January 2004.

San Diego County Disposal Association Proposal

The San Diego County Disposal Association (SDCDA) has proposed amendments to the San Diego Municipal Code that would give them more flexibility in providing collection services in mixed use areas like the Gaslamp District.

The SDCDA proposes that Municipal Code section 59.5.0406 be amended to remove the 7:00 a.m. to 7:00 p.m. limitation on refuse collection in residential areas and to instead read as follows: “No person shall operate or permit to be operated a refuse compacting, processing or collections vehicle between the hours of 8:00 p.m. to 3:00 a.m. unless a permit has been applied for and granted by the Administrator.” As proposed, this would allow refuse collection in residential areas between 3:00 a.m. and 8:00 p.m. seven days a week. While the amendment is intended to facilitate collection in the downtown area, the amended code section would allow commercial haulers to service apartment houses, with commercial bin service, in purely residential areas starting at 3:00 a.m.

The second change proposed by the SDCDA is to amend Municipal Code section 85.01 by deleting the sentence that prohibits any vehicle conveying refuse, rubbish or garbage from operating in the Central Traffic District between the hours of 10:00 a.m. and 6:00 p.m. and adding new language as follows:

“Any vehicle engaging in the collection, disposal, recycling or processing of refuse, rubbish or garbage and driving in the central traffic district between the hours of 3:00 a.m. and 8:00 p.m. shall be required to adhere to the following:

- (a) utilize collection, disposal, recycling or processing bins that have rubber on the lift bars and container;
- (b) be required to idle during pickup; and
- (c) utilize collection bins with rubber wheels and plastic lids.

While these proposed requirements would be helpful in reducing refuse collection noise, Municipal Code section 85.01 is not concerned with noise levels, but instead is designed to minimize the number of large vehicles in the central traffic district during the business day to improve the flow of traffic.

Refuse Collection Noise Issues

The noise associated with commercial refuse collection has a number of components, some are mechanical noises and some are related to how the operator collects and

empties the refuse collection bins. The noise components include truck engine noise, back up alarms, bins rumblings as they are pushed from the storage location to the collection location, hydraulic pump noise, “rocking” the bin above the hopper to insure all material has been emptied into the truck, materials falling into the truck body, multiple collections being done in close proximity and the echo effect that occurs in the downtown area with multistory buildings lining both sides of the streets.

The sound reduction methods proposed by the SDCDA for section 85.01 are a good starting point for conditions that would allow a variance to the 7:00 a.m. collection starting hour currently being enforced. Other items that should be considered would be radar type backup alarms on the trucks, training for collection personnel, and noise measurement studies to validate the noise levels before and after the mitigation measures are implemented.

While the haulers represented by the SDCDA do need relief from the restrictions placed on the hours of collection in mixed use areas with residences, the proposed Municipal Code amendments have the potential for creating more problems than they resolve.

A more workable approach would be to have all parties impacted by the issues participate in developing acceptable interim measures that could be permitted by the Noise Administrator through the variance process. If successful, the measures could be incorporated in the broader solution to noise conflicts in mixed use areas currently being addressed by the Mixed Use Advisory Committee. If the measures were not successful and refuse collection noise was found to be excessive and offensive to residents, the variance could be modified or terminated.

ALTERNATIVES

1. Adopt the SDCDA’s recommendations as presented.

Respectfully submitted,

Approved,

Robert A. Epler
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George I. Loveland
Senior Deputy City Manager

LOVELAND/HAYS/EPLER